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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 NICHOLAS J. CENCICH,

9 Petitioner,

10 v.

11 MAGGIE MILLER-STOUT,

12 Respondent.

CASE NO. C10-5164 BHS

ORDER DENYING MOTION TO  
ALTER OR AMEND ORDER  
AND ENTER FINDINGS OF  
FACT

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14 This matter comes before the Court on Petitioner Nicholas J. Cencich's  
15 ("Cencich") motion to alter order and enter findings of fact pursuant to Fed. R. Civ. P.  
16 59(e) and 52(b) (Dkt. 56). The Court has considered the pleadings filed in support of the  
17 motion and the remainder of the file and hereby denies the motion for the reasons stated  
18 herein.

19 In contravention of the Court's prior order denying Cencich's motion to vacate,  
20 which explicitly stated that "No further pleading will be accepted in the matter" (Dkt. 55  
21 at 3), Cencich filed the instant motion. Had the Court not prohibited further filings in this  
22 case, the instant motion would still be denied as untimely and likely improper for other

1 reasons. *See* Fed. R. Civ. P. 59(e) and 52(b) (requiring motions be filed within 28 days  
2 after entry of judgment). In this case, judgment was entered on September 26, 2012 (Dkt.  
3 42), not on December 4, 2013, which is the date of the Court's last order (Dkt. 55).

4 Therefore, it is hereby **ORDERED** that Cencich's motion to alter or amend  
5 judgment and to enter findings of fact (Dkt. 56) is **DENIED**. This case is and remains  
6 closed. The Court's prior order prohibiting the filing of further pleadings remains in  
7 effect. Dkt. 55.

8 Dated this 24<sup>th</sup> day of January, 2014.

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BENJAMIN H. SETTLE  
12 United States District Judge  
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